

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

Case No.: 1:09-cv-1021-SMV-WDS

CHARLES R. KOKESH

Defendant.

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
ON PLAINTIFF'S SECOND AND THIRD CLAIMS**

Defendant Charles R. Kokesh moves under Rule 56(a) F.R.Civ.P. for summary judgment on plaintiff Securities and Exchange Commission's claims for a permanent injunction, civil monetary penalty, and disgorgement arising from the Second and Third Claims of its complaint [DOC. 1 ¶¶ 3, 25-29, 37-39, 42-44, 54-56]. A memorandum of law, declaration, and supporting papers in support hereof are being filed concurrently herewith. This papers show there is no genuine dispute as to any material fact and Mr. Kokesh is entitled to judgment as a matter of law. The Court, therefore, should grant summary judgment in his favor dismissing the Second and Third Claims with prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2013, I electronically filed the foregoing document with the Clerk of the Court for the District of New Mexico, Santa Fe Division, by using the CM/ECF system which will send a notice of electronic filing to the following CM/ECF participants:

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